

DRAFT

A meeting of the New Hampshire Water Well Board was held on December 14, 2006 at 9:30 AM, in rooms 112 & 113, 29 Hazen Drive, Concord, NH, 03302.

Present were: Bart Cushing, Chairman  
Rene Pelletier, Secretary

Board members: Peter Caswell, Jeffrey Tasker, Christopher Covell, Thomas Garside, and David Wunsch

Staff: Rick Schofield, Genevieve Al-Egaily, and Yvette Meunier

Chairman Cushing brought the meeting to order at 9:42 AM and introduced the Board and staff members.

**Approval of Minutes**

Upon motion by Mr. Caswell and seconded by Mr. Covell, the Board unanimously voted to accept the Minutes of the October 26, 2006 meeting.

**Administrative Hearing**

**Paul Comeau / Comac Pump & Well LLC**

Mr. Schofield reported that the Board had received a letter from Paul Comeau on December 7, 2006 stating that Comac Pump & Well LLC and Mr. Comeau were negotiating a settlement agreement. With the terms of the agreement to be completed by January 30, 2007 Mr. Comeau requested a continuance to allow time for the agreement to be settled. Mr. Schofield contacted Mark Weaver and Scott Costa, who concurred with granting the continuance and the Board unanimously voted for a motion of continuance. Mr. Schofield contacted all interested parties that the hearing will be continued until the next Board meeting to be scheduled in February, 2007 and will also contact all interested parties in writing.

**Old Business**

**Well Tags**

Brandon Kernen representing the groundwater commission subcommittee was invited to speak to the Board. Mr. Kernen informed the Board that a Legislative Services Request (LSR) had been filed which would give regulatory relief of permitting requirements for deep artesian wells. Mr. Kernen explained that while DES does not have first hand knowledge of the LSR, the representative e-mailed him a brief summary of the intent of the LSR. Mr. Kernen stated that he extended an invitation to the sponsor of the LSR to discuss regulatory requirements for deep artesian wells and the community well siting rules with regards to the permitting process of incorporating multiple wells into the large withdrawal permitting program. Mr. Cushing stated that he was interested in this LSR based on recent permitting requirements for a small community water supply well.

Mr. Kernen also informed the Board that a Legislative Services Request has been filed for a bill which would require well tagging. Mr. Kernen reported that the language being introduced is similar to the language passed out at the last Board meeting and the Groundwater Commission is

considering language changes to address the concerns of tagging monitoring wells. The Groundwater Commission also considered language changes which would require 911 addresses for any new water supply wells to be reported to the Board within 6 months of well construction. This option was considered in lieu of well tagging. The committee found several problems with using 911 addresses including: lots with multiple wells; time requirements for obtaining the address would conflict with the 90 day statutory reporting requirement; and data entry errors. Mr. Kernen also stated that there may be issues with obtaining the GIS 911 data from the Department of Safety.

In summary, Mr. Kernen suggested meeting with the two camps, those that are in favor of well tagging and those that are opposed. Those in favor could discuss new and improved well tags for monitoring wells, and the second group could discuss an alternative approach for the opponents of well tagging. Mr. Kernen will present the proposed legislation to the Board in the next few weeks.

#### Incomplete Reports

Mr. Schofield reported that 182 incomplete well reports were sent back to 41 water well contractors this month. The reports were returned for missing signatures, town names, or place names which were unable to be identified. Mr. Schofield noted that a letter was attached to the returned reports outlining acceptable well location information required by the Board.

Mr. Schofield stated that the Board's rule for "well location" is too broad and that the current reporting requirements for well location are interpreted by staff, and is based on whether the reported information is adequate to allow staff to field locate the well. However, the NH Geological Survey now uses a desktop method for locating wells rather than actually locating the wells on site, and the Board may wish to revise its location criteria. The Board discussed requiring Town name, and street address, and possibly accepting Town name, street name, and tax map and parcel number as an alternative. Upon further discussion, the Membership agreed that a GPS coordinate set would also be appropriate in addition to Town, Road name, and Street address. A motion was made by Mr. Pelletier for the Board to draft a letter which states that well completion reports will be required to include Town, Road name, Street address and GPS location by July 1, 2007. The motion was seconded by Mr. Covell and adopted. The Membership discussed obtaining legal advice on the motion and the subject will be brought up at the next meeting if the matter cannot be handled outside of rulemaking.

#### RSA 482-B:17 Exceptions

*At the last meeting the Board voted to seek legal advice on the interpretation of RSA 482-B:17 Exceptions.* Mr. Schofield reported that he had received a complaint from a licensed pump installer regarding the installation of a pump by the owner at Pine Hollow Camping World in Laconia. Mr. Schofield reported that based on advice received from counsel, he recommended the Board not proceed any further on the matter. The Board instructed Mr. Schofield not to send the enforcement letter to the owner, and to notify the pump installer on the Board's decision.

Mr. Schofield suggested the Board could seek to amend the statute to add clarity to section 17. Mr. Pelletier concurred and recommended the exemption should be made for a primary domicile only. The Membership also discussed whether the term "agent" should be deleted. Mr. Schofield should also discuss the matter with Sarah Pillsbury, Administrator of Water Supply Engineering Bureau (DES) in regards to public water systems.

Registration of Employees

Mr. Garside reported that he met with Mr. Caswell and Mr. Swain to discuss the registration of employees. It was determined that Mr. Garside would contact the National Groundwater Association on implementing their recommendations on registering employees. Mr. Garside also contacted the Massachusetts Department of Environmental Management regarding the implementation of their rules for registering employees, however, those rules have not been passed and they had no comment. Mr. Garside reported to the Board that he will need more time to address the issue of registering employees.

LicensingDES Waste Management Division- Emergency Recovery Wells

Mr. Schofield introduced DES Waste Management Division representative Mark Ledgard to the Board. Mr. Ledgard asked the Board if a licensed well driller was required for the installation of emergency recovery wells for initial response situations. Mr. Garside suggested a license was appropriate for the installation of contaminated groundwater recovery wells. The Board asked further questions of Mr. Ledgard regarding the construction, application, and longevity of the wells. Mr. Ledgard explained the purpose was for the immediate recovery of contaminants at spill sites to prevent migration of contaminants into the groundwater and prevent a larger problem. Response time is critical and the wells are only temporary. Upon consideration of these facts, the Board granted an exemption of the licensing requirement of RSA 482-B:5 for the installation of emergency recovery wells for initial response situations, however, the reporting requirements were not exempt for constructed and abandoned wells.

Notice of Partnership- K&J Well Drilling, Inc and BG Drilling and Geothermal, LLC

Mr. Schofield reported that the Board had received a letter on November 9, 2006 from Theodore Lindmar, owner of K&J Well Drilling Inc, informing the Board that he had formed a new partnership with BG Drilling and Geothermal, LLC for water well drilling in New Hampshire. On November 22, 2006 the Board sent a response letter to K&J Well Drilling Inc and BG Drilling and Geothermal, LLC explaining that the new partnership was being reviewed by the legal department and that well drilling operations in New Hampshire shall not commence until a formal written notification of approval was received from the Board. The Board agreed that the new partnership will require a new license.

Mr. Schofield further explained that upon checking the database and the license file of Theodore Lindmar, the license holder of the partnership, a discrepancy was identified. The database indicated he had been issued a technical drilling license and a rotary drilling license, however, the file indicated that only a technical drilling license was issued, both in 1988, and in 1991. Mr. Lindmar has been verbally notified of this and was asked by Mr. Schofield if he had any documentation or proof he was issued a rotary drill license, for the Board's consideration. Mr. Pelletier requested a letter be sent notifying Mr. Lindmar of the Board's findings and giving him an opportunity to provide any documents or proof that he holds a rotary drilling license.

New Applicants

Mr. Schofield reported that there were new applications for the Board to review.

Mr. Mackey noted that the applications submitted by Lance Abare, Nick Manosh, Clifford Connolly, Alfred Banks Jr., James Crooker, Robert Daniels and Russell Barton were incomplete. However, Gary Chandler's application was complete and ready for the Board to review.

Upon motion by Mr. Covell and seconded by Mr. Pelletier, the Board unanimously voted to allow Gary Chandler to take the license exam and will approve his application once the incomplete reference form is signed.

## **Rules**

### **Geo-exchange Wells**

Mr. Kernan explained to the board that DES' groundwater discharge program was researching issues pertaining to geothermal wells to identify if any impacts to groundwater quality are likely to occur with various geothermal technologies. Mr. Kernan stated that he would update the Board on the status of the research by the next Water Well Board Meeting.

### **General Review and Discussion**

Mr. Schofield reported that no amendments for draft rules have been made since the last meeting.

The Board moved the discussion of the definition of "competent bedrock" in We 101.08 Definitions to the next meeting.

The Board moved the discussion on the committee created to investigate a licensing structure to the next meeting.

The Board moved the discussion of post hydro-fracturing yield testing requirements to the next meeting.

Mr. Schofield recommended that each member of the Board review a section of the rules for comment at the next meeting.

## **New Business**

### **Request for Exemption**

The Chairman reported that the Board received a letter from Skillings and Sons dated December 12, 2006 requesting an exemption from the requirements of We 604.04 for the decommissioning of 4 bedrock water supply wells. Skillings and Sons drilled 4 permitted water supply wells which were later determined to negatively influence neighboring wells. Skillings and Sons proposed to chlorinate the wells, fill with cleaned and washed pea gravel within 20' of the existing casing and finish with 4,000# neat cement mixture which would exit the well in a mushroom style. The casings would be cut off and pitless adapter removed, and the wells will terminate below grade. Upon motion by Mr. Pelletier, and seconded by Mr. Tasker, the Board unanimously voted to grant Skillings and Sons the exemption.

### **Building Commission Meeting**

Mr. Schofield reported that he met with the subcommittee of the state building commission to discuss the definition of "potable water" in the international plumbing code. The committee agreed to categorize contaminants into two groups, acute and chronic. The subcommittee will

recommend that all wells will be required to pass water testing for acute contaminants. Those contaminants were defined as bacteria, nitrate and nitrite. Chronic contaminants such as radon, arsenic and other contaminants recommended by DES would also require testing, but treatment would be left to the discretion of the property owner. In addition, sellers would be required to submit these water quality results to the prospective buyer within 30 days of the closing.

Mr. Schofield suggested to the Board that if these recommended rules go forward, the Board should inform its licensees on the matter through the newsletter. He also suggested reviewing the Board's rules to incorporate any amendments deemed appropriate.

#### Program Goals

Mr. Wunsch entered the meeting at 1:50PM.

Mr. Schofield reported that he will be meeting with Sarah Pillsbury to discuss goals for the program. He listed his suggestions for the program, those being: 1) code enforcement; 2) licensing (committee); and 3) adoption of rules. In addition to these goals, the Board suggested improving the licensing database and the website, defining low yield wells and yield test requirements, addressing unlicensed pump installers, fine tuning the rules and statutes, improving the quality of well report data, and additional staff.

#### Administrative Hearings Officer Legislation

The Chairman informed the Membership that the Board received a letter informing them that a bill may be introduced this session which would create an administrative hearings judge to hear appeals from all Boards and Commissions. Boards would have an option to include certain Board members as hearing officers to assist the judge. Mr. Pelletier suggested the Board track the bill and provide an opinion letter, signed by the Chairman, to the legislative committee when the time comes.

Mr. Schofield mentioned there may also be a bill requiring all Boards and Commissions to have no more than half of the membership as individuals from the regulated industry.

Upon motion by Mr. Covell and seconded by Mr. Pelletier, the Board unanimously voted to adjourn the meeting.